

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
SEPTEMBER 18, 2012

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Alan D. Gardner at 4:00 p.m. on September 18, 2012, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman Alan D. Gardner, Commissioner James J. Eardley, Commissioner Dennis Drake, Washington County Administrator Dean J. Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine Hall.

Commissioner Drake led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment for September 5, 2012, through September 18, 2012
- Consideration of Approval of Commission Meeting Minutes from August 7, 2012, August 21, 2012, and September 4, 2012
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Applications for Property Tax Abatement (18)
RaDaun Gleave, S/N W-L-Sun-S1; Roger & Barbara Bangerter, S/N I-GAS-1-11; Brian Condie, A/N 0102197; Ruth Bandle, S/N SG-S-3-9-132; Alfonse Darco, S/N SG-0GRE-1-27; Randal Hardy, S/N AV-AVR-2-83; Ira Stone, S/N SG-SLH-A-9; Carolyn Wunderlich, A/N 0451339; Neal Busk, S/N SG-BEGE-1-71; Gary Buck, A/N 0457617; Nadine Owens, S/N SG-ROYL-1-46; John Barrus, S/N HOSV-16-L-S; Marion & Waldo Johnson, S/N SG-SPE-4-38; Monte Evans, S/N T-3-1-2-1431; Christine Wood, S/N SG-281-A; Daniel Atwood, S/N AV-AVR-1-20; Gail & Thomas Limas, S/N I-DELC-1-9; Peter Graziano, S/N H-SMGE-9-201-RD2

Actions of the Washington County Planning Commission Meeting / 09-11-2012

Conditional Use Extension Modification: Review on Motocross and ATV Track within the OST-20 zone, containing 20 acres, a portion of Section 15, T39S, R16W, SLBM, generally located east of Hwy 18 on N. Baker Lake Rd. in Central; Robert and Mary Houston, applicants, and Gary Simonson, agent.

Conditional Use Permit Extension: Request permission for endurance mountain bike racing, "Frog Hollow Event," on Sheep Bridge Road, generally located between Virgin and Hwy 59 east of Hurricane, October 13, 2012, six-hour event, and November 3 and 4, 2012, twenty-four hour event, a portion within the County unincorporated area. GRO-Promotions/Cimarron Chacon, applicant.

Conditional Use Permit Extension: Review extension on a sales office for the Kolob Ranch Development on the west side of the freeway at the Kolob Exit off Interstate 15; Kolob Development, Inc., and Robert Anderson, applicants.

Conditional Use Permit Extension: Request permission to install a proposed one hundred foot lattice tower within the OST-20 zone, on BLM land adjacent to the Rocky Mountain Power Substation south of Dammeron Valley; SBA Communication Corp., applicant.

Conditional Use Permit Extension: Request permission to install a proposed one hundred foot lattice tower within the RA-1 zone on one acre of land owned by Theresa Haurly (Robert Tripp) in Veyo, Debbie Adams DePompei/Intellisites, applicants.

Conditional Use Permit Extension: Request permission to install an equipment building and solar panels within the OST-20 zone on Kolob Mountain; Beehive Telephone Co., applicant.

Conditional Use Permit Extension: Request permission to install a meter building, feeder line, and security chain link fence, near the New Harmony Interchange; Questar Gas, applicant.

Actions of the Washington County Planning Commission/ 09-14-2012

Conditional Use Permit: Request permission for an operation to extract gravel west of Veyo, Utah, in Section 11, T40S, R17W, SLBM; Carl Bowler, applicant.

Conditional Use Permit: Request permission for an operation to extract gravel on State Lands east of Old Highway 91 at an established rock quarry site on Utah Hill; Allen Feller, applicant.

MOTION: Motion by Commissioner Eardley to Approve the Consent Agenda, with the exception of four (4) Applications for Property Tax Abatement: Serial Numbers 07131904, 0358161, 0457617, and 046969, which shall be considered on the Regular Agenda; and the Request for Conditional Use Extension Modification for the Motocross and ATV Track east of Highway 18 on North Baker Lake Road in

Central, which shall be considered on the Regular Agenda. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Drake, and Eardley voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

MOTION: Motion by Commissioner Drake to Deny the following Applications for Property Tax Abatement: Serial Numbers 07131904, 0358161, 0457617, and 046969. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Drake, and Eardley voting aye.

Conditional Use Extension Modification: Review on Motocross and ATV Track within the OST-20 zone, containing 20 acres, a portion of Section 15, T39S, R16W, SLBM, generally located east of Hwy 18 on N. Baker Lake Rd. in Central; Robert and Mary Houston, applicants, and Gary Simonson, agent.

Washington County Planner Deon Goheen said that this event occurs several times a year. The applicants have expanded the size of their track, and Commissioner Drake asked whether they have brought in corresponding maps. Deputy Washington County Attorney Eric Clarke said that the Planning Commission recommended approval contingent upon receiving additional information in writing. Ms. Goheen said that the modified plat was approved based on receipt of a written explanation of the increased area, which has yet to be received. The applicants have agreed to keep dust under control by using water trucks on the track. Also, permission would have to be obtained from the Southwest Utah Public Health Department if there were greater than five hundred (500) participants at any one event.

MOTION: Motion by Commissioner Drake to Approve the Conditional Use Extension Modification for Motocross and ATV Track within the OST-20 zone containing 20 acres, a portion of Section 15, T39S, R16W, SLBM, generally located east of Highway 18 on North Baker Lake Road in Central, Robert and Mary Houston, applicants, and Gary Simonson, agent, on the condition that all requirements stated above are complied with. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Drake, and Eardley voting aye.

EMERGENCY SERVICES REPORT / SHERIFF CORY PULSIPHER

Washington County Sheriff Cory Pulsipher reported on two (2) Search and Rescue call-outs. On August 25, 2012, a motorist became stuck in a washed-out roadway on the Holt Canyon Road near Enterprise and was successfully extricated from his predicament. On

August 29, 2012, Search and Rescue transported a deceased male from the base of some cliffs near the Toquerville Cemetery to a nearby facility.

PRESENTATION: PROCLAMATION DECLARING A STATE OF LOCAL EMERGENCY IN WASHINGTON COUNTY, UTAH

Commissioner Drake read the Proclamation Declaring a State of Local Emergency in Washington County, Utah, due to recent flooding, particularly in the Santa Clara area.

A copy of that Proclamation is attached to these minutes.

MOTION: Motion by Commissioner Eardley to Approve the Proclamation Declaring a State of Local Emergency in Washington County, Utah. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

PRESENTATION: 2012 WASHINGTON COUNTY FAIR / WENDY SANDBERG

Washington County Fair Director Wendy Sandberg reported on the success of the 2012 Washington County Fair, whose patriotic theme was "Let Freedom Ring."

She reported that the average temperature during the three (3) days of the Fair was 106, making it the hottest on record. Attendance, based on vehicle parking records, was estimated at approximately forty-two thousand (42,000) people. Every city in the County submitted entries in various categories.

A copy of Ms. Sandberg's PowerPoint presentation is available upon request from the County Commission Office.

PURCHASE REQUESTS / KIM M. HAFEN

Attorney's Office, Audiovisual system	\$ 11,355.57
Recorder's Office, Tyler Technology Services	\$ 16,080.00

Washington County Clerk/Auditor Kim Hafen explained that these purchases are for capital projects and are not ongoing expenses.

MOTION: Motion by Commissioner Eardley to Approve the Above Purchase Requests. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF ORDINANCE NO. 2012-1022-O, AN ORDINANCE CREATING THE WASHINGTON COUNTY ETHICS COMMISSION

Mr. Clarke explained that this ordinance provides two (2) options for the County insofar as a new Ethics Commission: (1) create a new Commission, or (2) use the members of the existing Career Service Council to serve as the Ethics Commission. The latter option has been chosen.

MOTION: Motion by Commissioner Drake to Adopt Ordinance No. 2012-1022-O, An Ordinance Creating the Washington County Ethics Commission. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF ORDINANCE NO. 2012-1023-O, AN ORDINANCE AMENDING THE TERM OF APPOINTMENT FOR WASHINGTON COUNTY CONSTABLES

This Ordinance Amendment reflects a minor change in the term of office of constables from six (6) to four (4) years, in order to conform to State Code.

MOTION: Motion by Commissioner Drake to Adopt Ordinance No. 2012-1023-O, an Ordinance Amending the Term of Appointment For Washington County Constables. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1662, A RESOLUTION APPROVING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ST. GEORGE AND WASHINGTON COUNTY REGARDING THE 2012 BYRNE JUSTICE ASSISTANCE GRANT (JAG) AWARD

The Byrne Justice Assistance Grant (JAG) is a law-enforcement grant which partially funds the Drug Task Force in Washington County. This interlocal agreement is renewed annually between the City of St. George and Washington County.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1662, a Resolution Approving the Execution of an Interlocal Agreement Between the City of St. George and Washington County Regarding the 2012 Byrne Justice Assistance Grant (JAG) Award. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1663, A RESOLUTION APPROVING THE EXECUTION OF A CONTRACT AMENDMENT BETWEEN WASHINGTON COUNTY AND THE UTAH DEPARTMENT OF AGRICULTURE REGARDING FUNDS FOR PREDATOR CONTROL

Mr. Clarke said that this annual contract has been amended to reflect an amended amount of County contribution in the sum of one thousand dollars (\$1,000.00).

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1663, a Resolution Approving the Execution of a Contract Amendment Between Washington County and the Utah Department Of Agriculture Regarding Funds For Predator Control. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1664, A RESOLUTION APPROVING THE IBM CUSTOMER AGREEMENT BETWEEN IBM AND WASHINGTON COUNTY TO PROVIDE HARDWARE, SOFTWARE, AND SUPPORT SERVICES FOR THE WASHINGTON COUNTY SHARED PUBLIC SAFETY DATA SERVICE

Undersheriff Bart Bailey said that this Customer Agreement between IBM and Washington County provides for a new server and a three (3) year service agreement for hardware and software for the Sheriff's Office.

MOTION: Motion by Commissioner Eardley to Adopt Resolution No. R-2012-1664, A Resolution Approving the IBM Customer Agreement Between IBM and Washington County to Provide Hardware, Software, and Support Services for the Washington County Shared Public Safety Data Service. Motion seconded by Commissioner Drake and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1665, A RESOLUTION SUPPORTING THE ANNEXATION OF PROPERTY USED BY THE SOUTHERN UTAH SHOOTING SPORTS PARK SPECIAL SERVICE DISTRICT INTO HURRICANE CITY

Commissioner Drake, who serves as Chair of the Southern Utah Shooting Sports Park Special Service District, said that the sports park requires utility services that it can only obtain by annexing to the City of Hurricane.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1665, A Resolution Supporting The Annexation of Property Used by the Southern Utah Shooting Sports Park Special Service District into Hurricane City. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1666, A RESOLUTION APPROVING THE EXECUTION OF A CONTRACT BETWEEN WASHINGTON COUNTY AND FELLER ENTERPRISES FOR EMERGENCY WATERSHED PROTECTION WORK AT GUNLOCK

Washington County Engineer Todd Edwards said that this watershed protection work constitutes the remainder of Natural Resources Conservation Service (NRCS) work for repair projects arising from the flood of 2010. This work will occur near Tobin Wash in Gunlock. The project was bid out, and the low bidder was Feller Enterprises, for the amount of four hundred and sixty-six thousand, two hundred and eight dollars (\$466,208.00).

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1666, a Resolution Approving the Execution of a Contract Between Washington County and Feller Enterprises for Emergency Watershed Protection Work at Gunlock. Motion seconded by Commissioner Eardley and carried by unanimous vote, with Commissioners Gardner, Eardley, and Drake voting aye.

DISCUSSION OF TITLE III PROJECT INITIATION AND ALLOCATION OF FUTURE SECURE RURAL SCHOOLS (SRS) FUNDS

The Commission is required to initiate discussion of Title III Projects and Allocation of Future Secure Rural Schools (SRS) Funds on or before September 30, 2012, in order to ensure that unspent Title III money for fiscal years 2008 through 2012 is preserved. After such discussion, it was decided to continue to use Title III funds as has been done for the past several years for various projects and personnel. The specific allocation of funds is as follows:

- 85% to Public Schools and Roads (Title I)
- 8% to Special Projects (Title II)
- 7% to County Funds (Title III)

MOTION: Motion by Commissioner Eardley to Approve the Title III Project Initiation and Allocation of Future Secure Rural Schools (SRS) Funds As Indicated Above. Motion seconded by Commissioner Drake and

**carried by unanimous vote, with Commissioners Gardner, Eardley,
and Drake voting aye.**

COMMISSIONERS' REPORT

Commissioner Drake commended the many volunteers who have donated their time and equipment to assist those homeowners whose property was damaged in the recent dam breach in Santa Clara. It is estimated that the damage in Santa Clara alone is in the vicinity of three point seven million dollars (\$3,700,000.00).

PUBLIC WORKS OR ROAD BUSINESS

No items were considered today.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

Washington County Administrator Dean Cox said that the time has come to consider the fact that many County buildings are in need of roof repair in the near future. He will be working with Paul to get bids and will report back.

Request A Closed Session

There being nothing further to come before the Commission, the meeting was adjourned at 4:50 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

ALAN D. GARDNER
CHAIRMAN